

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

IN THE MATTER OF:

In re CITY OF DETROIT, MICHIGAN
DEBTOR.

CHAPTER 9
CASE NO.:13-53846

JUDGE: Hon. Steven Rhodes

**MOTION TO FILE BY PAPER A MOTION TO EXCLUDE CLAIM BY CITIZEN
AGAINST DETROIT POLICE OFFICER FOR INTENTIONAL ACT/CIVIL
RIGHTS VIOLATION FROM DETROIT'S BANKRUPTCY AND TO ALLOW
THE CASE TO PROCEED IN THE WAYNE COUNTY (MICHIGAN) CIRCUIT
COURT**

NOW COMES Frazier Cunningham, by his attorneys, Law Offices of Ronald Steinberg And Associates, PLLC, by Ronald A. Steinberg, and moves this Honorable Court to Allow Filing By Paper a Motion for an Order To Exclude Claim By Citizen Against Detroit Police Officer For Intentional Act/Civil Rights Violation From Detroit's Bankruptcy, And To Allow The Case To Proceed In the Wayne County Circuit Court, for the following reasons:

1. Petitioner's attorney does not regularly practice in the US Bankruptcy Court, has not been certified in using the e-filing within the Bankruptcy Court system, and does not have an account with that system.
2. On or about December 16, 2012, at about 10:45 PM, Petitioner, Frazier Cunningham, was falsely arrested, falsely charged with criminal activity, and was required to retain counsel to defend himself in a criminal court proceeding.
3. At the time of the preliminary examination, on Friday, January 25, 2013, when the arresting police officer, George Alam, testified, the judge determined that he had no credibility as a witness, and he dismissed all charges against Frazier Cunningham.
4. The Petitioner retained counsel, and on September 17, 2014, suit was filed in the Wayne County Circuit Court, entitled as follows:

Frazier Cunningham vs. George Alam, City of Detroit Police Officer Case No.:
14-011964CZ.

5. After much difficulty, George Alam was duly served with process, and a Proof of Service was filed with the court.

6. On November 21, 2014, City of Detroit Law Department attorney, David J. Demps, filed with the Wayne County Circuit Court a "Notice of Suggestion of Pendency of Bankruptcy Case and Application of the Automatic Stay."

7. It reasonably appears that the facts and circumstances as set forth in the Motion establish that the actions of the Defendant, George Alam, City of Detroit police officer, were intentional, and in fact, did deprive the Plaintiff/ Petitioner, Frazier Cunningham of his civil rights; that as a result, the civil action against George Alam is outside the ambit of the Bankruptcy Court.

8. It reasonably appears that this Court should determine that Plaintiff/Petitioner's case should not be stayed, and that he be allowed to litigate the case in the Wayne County Circuit Court.

WHEREFORE, Petitioner prays that this Honorable Court:

A. Order that Frazier Cunningham, through his counsel, be allowed to file by paper a Motion to Exclude Claim by Citizen Against Detroit Police Officer for Intentional Act/ Civil Rights Violation from Detroit's Bankruptcy.

Respectfully submitted,
LAW OFFICES OF RONALD STEINBERG AND
ASSOCIATES, PLLC

By: Ronald A. Steinberg (P20956)
Attorney for Petitioner/Plaintiff Cunningham
30300 Northwestern Highway, Suite 100
Farmington Hills, MI 48334
Phone: (248) 932-3230
Fax: (248) 932-0251
Email: ron@ronaldsteinberglaw.com

Dated: January 20, 2015